

# EXHIBIT NN

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -  
EQUAL EMPLOYMENT : CIVIL ACTION  
OPPORTUNITY COMMISSION:  
and KATHY C. KOCH :  
v. :  
LA WEIGHT LOSS : NO. WDQ-02-CV-648

- - -  
August 1, 2003  
- - -

Videotape deposition of  
SANDRA BROWN-TALavera, taken pursuant to  
notice, was held at the offices of Equal  
Employment Opportunity Commission, The  
Bourse Building, 21 South 5th Street,  
Suite 400, beginning at 1:00 p.m., on the  
above date, before Amanda Dee  
Maslynsky-Miller, a Certified Realtime  
Reporter and Notary Public in and for the  
Commonwealth of Pennsylvania.

- - -  
ESQUIRE DEPOSITION SERVICES  
15th Floor  
1880 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103  
(215) 988-9191

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1 Q. Do you reside anywhere else  
2 for any part of the year other than just  
3 trips for vacation --  
4 A. No.  
5 Q. -- or whatever? Okay.  
6 I already have your Social  
7 Security number, but just to -- could you  
8 verify that, please?  
9 A. 117-58-2242.  
10 Q. Okay. Being the government,  
11 we have the ability to get these Social  
12 Security numbers.  
13 A. I guess so.  
14 Q. You're -- what is your date  
15 of birth?  
16 A. 2/18.  
17 Q. 2/18?  
18 A. 1960.  
19 Q. 1960. Okay.  
20 And where do you currently  
21 work?  
22 A. UPS in Edison, New Jersey.  
23 Q. United Parcel Service?  
24 A. Yes.

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1 Q. Do -- do you have the  
2 address, offhand, of that facility?  
3 A. 1 Clover Place, Edison -- I  
4 believe the zip is 08827. I'm not 100  
5 percent sure on the zip.  
6 Q. Do you work anywhere else?  
7 A. No. At home.  
8 Q. Okay. Okay.  
9 Are you married?  
10 A. Yes, I am.  
11 Q. What's your spouse's name?  
12 A. Javier, J-A-V-I-E-R.  
13 Q. Talavera?  
14 A. Yes.  
15 Q. Were you ever employed by LA  
16 Weight Loss?  
17 A. Yes, I was.  
18 Q. In what position were you  
19 employed at LA Weight Loss?  
20 A. I was first hired as a  
21 manager.  
22 Q. Is that a center manager?  
23 A. Center manager.  
24 Q. And do you recall when you

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1 were hired?  
2 A. Dates are going to be very  
3 hard for me to be accurate on. I believe  
4 it was the summer of '97, July.  
5 Q. Okay. But --  
6 A. But I'm not --  
7 Q. -- you're not definite on  
8 the date?  
9 A. Absolutely not. It could  
10 even be May. I know it was summertime.  
11 I think July may be the month I was  
12 promoted, come to think of it.  
13 Q. Okay. And what position  
14 were you promoted to?  
15 A. I believe it was a senior  
16 manager overseeing a few centers.  
17 Q. Like an area supervisor,  
18 does that ring a bell?  
19 A. No.  
20 Q. Okay.  
21 A. There was a transitional  
22 position prior to the area supervisor  
23 position.  
24 Q. Okay. How long did you hold

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1 the center manager position?  
2 A. It could have been about six  
3 weeks.  
4 Again, initially when I did  
5 my Complaint, everything was based on  
6 a -- a Day Runner that I used to keep for  
7 work. So those dates that were recorded  
8 in my Complaint or whatever are very  
9 accurate. But I can't say that I have  
10 any of the dates on the top of my head.  
11 Q. Okay. That -- that's okay.  
12 A. So it was about six weeks I  
13 had held the senior supervisor -- senior  
14 manager position where I believe I  
15 oversaw another location.  
16 And then I believe it was  
17 July that I was then given the position  
18 of an area supervisor, which was formally  
19 done with a salary change and title  
20 change.  
21 Q. Area supervisor, that was  
22 July of 1997, you said?  
23 A. Yeah, I believe so.  
24 Q. Okay. How long did you hold

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1 that position?

2 A. I believe it was until  
3 January of the following year.

4 Q. January 1998?

5 A. '98.

6 Q. And what was your next  
7 position?

8 A. I received a call in January  
9 where I was offered a -- well, in -- I  
10 think it was September or October I was  
11 offered the position as a trainer. And I  
12 declined taking it because I preferred  
13 the area supervisor position for a  
14 variety of reasons. And then the offer  
15 came again in January, so I took it in  
16 January.

17 Q. Okay. And how long did you  
18 hold the position of trainer?

19 A. Five days, approximately. I  
20 can't be 100 percent sure on that.

21 Q. And what was your next  
22 position?

23 A. I think it was a little up  
24 in the air for a while. I was told that

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1 the trainer position no longer existed  
2 and I was going to become the manager  
3 again for a period of time.

4 Q. Did you become a center  
5 manager?

6 A. Yeah.

7 Q. Did you become a center  
8 manager?

9 A. I think it was in title,  
10 because they needed coverage and there  
11 was some discussion back and forth  
12 because of a letter I had written, and  
13 all of a sudden I was summoned to a  
14 meeting. And on my way back to the  
15 center, I was told that I was going to be  
16 a trainer starting the following Monday.

17 Q. Okay.

18 A. It was all very hairy. I'm  
19 not clear.

20 Q. In -- in your first job  
21 at -- at LA Weight Loss, center manager,  
22 you said that was the Edison -- which --  
23 I'm sorry --

24 A. East Brunswick.

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1 Q. East Brunswick. Thank you.

2 Did you have any

3 participation in the process for hiring  
4 new employees while you were the center  
5 manager at East Brunswick?

6 A. No.

7 Q. Okay. When you were a  
8 senior manager of -- of a couple of  
9 centers, do you recall what centers those  
10 were?

11 A. The only center that comes  
12 to mind was the Edison location. At this  
13 point, I think it may have just been  
14 overseeing one center. I don't remember  
15 clearly. I only remember speaking with  
16 one manager, but it could have been two.  
17 It could have been the Edison and the  
18 Union location, but I don't know why --  
19 I'm not clear on that.

20 Q. And this was back in 1997?

21 A. Yeah.

22 Q. Okay. In -- in that  
23 capacity as a senior manager, were you  
24 involved in the hiring process at all --

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1 A. No.

2 Q. -- for new employees? Okay.

3 I believe you testified that  
4 in approximately July of 1997 you became  
5 an area supervisor.

6 A. Yeah.

7 Q. How many centers did you  
8 supervise?

9 A. I now got six centers.

10 Q. These are just the usual LA  
11 Weight Loss centers that you would go to  
12 if you were a client?

13 A. Yes.

14 Q. That's what we're talking  
15 about?

16 A. Yeah.

17 Q. Okay. Do you recall what  
18 those centers were?

19 A. Yeah. I believe -- it was  
20 the Edison, East Brunswick, Honedale --

21 Q. Uh-huh.

22 A. -- Marlboro, Wall and Union.  
23 I believe that's six.

24 Q. And these are all locations

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1 in the State of New Jersey?  
 2 A. Yes, they are. Was that  
 3 six?  
 4 Q. I believe it was.  
 5 A. Okay.  
 6 Q. I got them all.  
 7 As an area supervisor, did  
 8 you have any participation in the process  
 9 of hiring new employees at LA Weight  
 10 Loss?  
 11 A. Yes. Now I did.  
 12 Q. Can you describe for me what  
 13 the nature of that participation in the  
 14 hiring process was?  
 15 A. It was actually contacting  
 16 the office to let them know that I needed  
 17 a new employee. They would make  
 18 arrangements for the actual ad to be  
 19 placed. I would schedule the  
 20 appointment -- well, yeah, I would  
 21 usually schedule the appointments, unless  
 22 I actually created an appointment  
 23 schedule and made the appointments and  
 24 then somebody called back to confirm and

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1 somebody would put the names in as  
 2 confirmation.  
 3 I would do the interviews.  
 4 There were times if -- if I wasn't quite  
 5 sure on somebody or I wanted a second  
 6 opinion, I would have Kristi do a second  
 7 interview for me, because she worked out  
 8 of the East Brunswick location.  
 9 Q. Okay. I'm going to stop you  
 10 there.  
 11 Can you just tell me who --  
 12 who Kristi is?  
 13 A. Kristi O'Brien, at the time,  
 14 was the trainer.  
 15 Q. A corporate trainer, does  
 16 that title sound --  
 17 A. At that time -- no. She  
 18 wasn't the corporate trainer at that  
 19 time. She was the trainer who, in fact,  
 20 trained me when I first came on board and  
 21 trained all the new employees that came  
 22 on board, the weight loss counselors,  
 23 management, whoever.  
 24 Q. Okay. So -- I'm sorry I

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1 interrupted you, you said that you  
 2 conducted interviews, if you were unsure  
 3 about a candidate you -- you would ask or  
 4 consult with Kristi O'Brien?  
 5 A. Well, what happens sometimes  
 6 is that we had people who were new --  
 7 totally new to the field of weight loss,  
 8 and let's say they came from the banking  
 9 industry or something very detached from  
 10 weight loss, sometimes you would think  
 11 that they will make a good candidate  
 12 so -- but yet you're not 100 percent  
 13 sure. So sometimes I would ask her to  
 14 just second interview someone.  
 15 She had a background similar  
 16 to mine in being in the weight loss  
 17 industry before, so we saw things really  
 18 alike. So she was always a good sounding  
 19 board.  
 20 Q. Okay. And so after an  
 21 interview was conducted or as you say in  
 22 some cases, a second interview --  
 23 A. That was usually just a  
 24 personal thing, it wasn't something that

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1 was the norm. But I would do that  
 2 because she was --  
 3 Q. And then after all the  
 4 interviews were conducted, what was the  
 5 next step that you participated in?  
 6 A. In what respect?  
 7 Q. I -- I'm sorry, I'll  
 8 rephrase my question.  
 9 Did you make actual hiring  
 10 decisions?  
 11 A. Yeah.  
 12 Q. You did?  
 13 A. Yeah.  
 14 Q. Were your decisions subject  
 15 to any pre-clearance through another  
 16 manager or review by anyone?  
 17 A. You know, now that you  
 18 mention that, I don't remember that. I  
 19 remember discussing it with Lesia. I  
 20 don't remember specifically that I had  
 21 too have any approval or she had to  
 22 oversee the decision. I don't remember  
 23 that at all.  
 24 Q. You mentioned a name, Elicia

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1 happened, but you have to remember that  
2 from October -- like November I was no  
3 longer involved in any meetings.

4 But the change took place in  
5 the summer, but there was a new diet  
6 change, I didn't know until it was out.  
7 I was never trained on it even though I  
8 was an area supervisor. Things are hazy  
9 during some of the time.

10 Q. When you were working at LA  
11 Weight Loss, was there -- and, again, I'm  
12 referring to before the name change also,  
13 when it was Quick Weight Loss, was -- was  
14 there a position called a recruiter at  
15 that time?

16 A. Yeah. I don't know. I  
17 think there was a recruiter. I think  
18 June -- Jennifer June may have been the  
19 recruiter at one point. I don't  
20 remember, but it sounds familiar.

21 Q. Okay. Were you ever  
22 provided with any documents at LA Weight  
23 Loss about the hiring process or how it  
24 should be conducted?

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1 A. No.

2 Q. Like, This is our process,  
3 this is what we expect of you, did you  
4 get any documents like that?

5 A. No.

6 Q. Okay. Did you get any  
7 documents regarding criteria for  
8 selecting people for hire?

9 A. No.

10 Q. Okay. While you were  
11 employed at LA Weight Loss, did any  
12 manager or any other employee have a  
13 discussion with you regarding whether or  
14 not men should be hired by the company?

15 A. Yeah.

16 Q. Do you recall how many  
17 people you had conversations with about  
18 that?

19 A. I had a situation come up  
20 where I had interviewed a male and  
21 thought he would be good. And I don't  
22 remember how the conversation came up,  
23 but I'm almost tempted to say I was going  
24 to hire him, but I hadn't.

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1 Q. Uh-huh.

2 A. And I don't know how it came  
3 about, but I had the discussion with  
4 Kristi -- I don't know -- I think I had  
5 hired -- I had actually interviewed him,  
6 and I don't know why I didn't hire him,  
7 but ended up having a discussion with  
8 Kristi.

9 And I'm -- I'm saying that  
10 because I remember having the  
11 conversation with her more than once. So  
12 I don't know if I saw the application --  
13 I think I interviewed the person, spoke  
14 to her and then had another application  
15 come up and had the conversation again.

16 But I remember mentioning to  
17 her that this guy was really good, and  
18 she had brought it to my attention that I  
19 shouldn't hire him. And she kind of said  
20 it, you know, I don't think he would make  
21 a good counselor.

22 And I said, He's good, he's  
23 great. And I remember talking about some  
24 of the things -- I don't even remember --

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1 all I remember is having the conversation  
2 with her and trying to sell him. When I  
3 say "sell him," his qualities. And I  
4 think maybe I was getting on her nerves,  
5 I don't know, but she said, You just  
6 can't hire him.

7 And I just said, Well, I  
8 don't see what the problem is, you know.  
9 I think he'll be great. And she just  
10 made the statement that I'm not supposed  
11 to hire males. And I looked at her, I  
12 said, You got to be kidding me.

13 And she said, No.

14 And I said, Why?

15 And she said, Well, we don't  
16 feel they make the best counselors.

17 And I had reiterated to her  
18 that when I worked at LA Weight Loss,  
19 customers sometimes preferred having the  
20 male, just the dynamics between the  
21 male/female counseling session that the  
22 patients would sometimes only want to see  
23 the male counselor. And that while  
24 working at Quick Weight Loss in the



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1 original time I worked, that the owner's  
2 husband -- the owner's sons -- two sons  
3 had worked with me, and they had trained  
4 me and, you know, they have things that  
5 we couldn't do. A compliment from them  
6 meant more to a female client than me  
7 complementing them.

8 And she eventually agreed,  
9 and she just said that's Eileen's  
10 position, so --

11 Q. She said that's Eileen's --

12 A. Position on the matter. As  
13 if to say, you know -- she didn't say it,  
14 but it was as if to say, Don't debate it  
15 with me anymore.

16 But she did say, I know, I  
17 worked with them at Nutrisystem and they  
18 work out well, but that's just the way it  
19 is.

20 Q. When she said Eileen, who  
21 did you understand her to be referring  
22 to?

23 A. Stankunas.

24 Q. Did you discuss this issue

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1 with Alesia Petrizio?

2 A. You know, I don't remember  
3 having the discussion with Alesia, but I  
4 can't say it didn't happen, because at  
5 that time I was on good terms with  
6 everybody, I was still new.

7 And I think I had the  
8 discussion with Eileen, but I don't  
9 really remember if I did. But I can't --  
10 I think I did, I think I did. I can't --  
11 you know, I believe I had the  
12 conversation with her because -- I just  
13 believe I had the conversation with her.

14 But she wasn't the kind of  
15 person you argued with. You kind of made  
16 the statement and she gave a statement  
17 back, you kind of grumbled something and  
18 that would kind of be the end of the  
19 discussion. I believe I had the  
20 discussion with her, but I can't remember  
21 what the -- the words were that were  
22 transpired.

23 And probably the reason I  
24 believe I had the discussion with her is

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1 because I wouldn't have left it at that.  
2 I'm not that kind of person. I would  
3 have said to her, you know, Eileen, can't  
4 we reconsider?

5 Q. With respect to this  
6 conversation or discussion that you had  
7 with Kristi O'Brien, she -- she was a  
8 trainer at that time?

9 A. Yeah.

10 Q. And was anyone else present  
11 when you had that --

12 A. No.

13 Q. -- discussion with her?

14 A. No. Because what happened  
15 is, her training room was in the back and  
16 she would usually be prepping and doing  
17 things and I would usually go back to  
18 shoot the breeze with her. And it was  
19 like one of those kind of times.

20 And we did have the  
21 conversation again on the phone when our  
22 relationship was -- became -- no, it  
23 wasn't more strained, but when my  
24 relationship with the company became a

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1 little bit more strained.

2 Q. Tell me about that  
3 conversation. What happened?

4 A. Let me see. I remember  
5 speaking with her on the phone, having a  
6 combination of problems, when I felt I  
7 was having problems with Alesia, and I  
8 don't know how the conversation came --  
9 came up, I remember having the  
10 conversation on the phone, because I  
11 remember her getting very quiet. And it  
12 was after that conversation that our  
13 relationship -- or within that week, that  
14 short period of time, our relationship  
15 changed.

16 Q. What -- what did you say to  
17 Ms. O'Brien in that conversation?

18 A. I remember recapping all the  
19 problems I had had with Alesia and Eileen  
20 not returning my calls, and rehashing to  
21 her that, you know, I don't get a good  
22 feeling, and throwing in the comment, you  
23 know, that the mere fact that we are  
24 difficult with who we -- were selective